

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

ROBERT E. COTNER,)
)
)
Petitioner,)
)
)
v.) **No. CIV 01-037-Raw**
)
)
BOBBY BOONE, et al.,)
)
)
Respondents.)

OPINION AND ORDER
DENYING LEAVE TO PROCEED IN FORMA PAUPERIS ON APPEAL

This habeas corpus action pursuant to 28 U.S.C. § 2241 was dismissed on June 29, 2001 (Dkt. 18). On April 18, 2018, Petitioner filed a “Motion-to-Revisit-Ruling On-Actual-Innosance [sic] and-challenger [sic]-to-Jurisdiction” (Dkt. 28). On that same date, the Court entered an Order striking the motion and advising Petitioner that he must file a new action to raise the claims in the motion (Dkt. 29). Plaintiff then filed a Notice of Appeal (Dkt. 30) and a motion to proceed *in forma pauperis* on appeal (Dkt. 33).

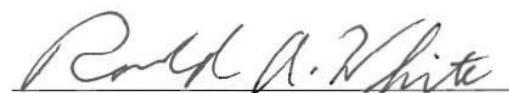
To proceed *in forma pauperis* on appeal, “an appellant must show a financial inability to pay the required filing fees and the existence of a reasoned, nonfrivolous argument on the law and facts in support of the issues raised on appeal.” *DeBardeleben v. Quinlan*, 937 F.2d 502, 505 (10th Cir. 1991) (citations omitted). *See also* 28 U.S.C. § 1915(a)(1)&(3); *McIntosh v. United States Parole Comm'n*, 115 F.3d 809, 812 (10th Cir. 1997). Upon consideration of the motion and the case record, the Court finds Petitioner has not presented a reasoned, nonfrivolous argument for appeal, and the appeal is not taken in good faith. He, therefore,

is not entitled to proceed *in forma pauperis* on appeal.

ACCORDINGLY, Petitioner's motion for leave to proceed *in forma pauperis* on appeal (Dkt. 33) is DENIED, and he is directed to pay the \$505.00 appellate filing fee to the Clerk of this Court within 20 days of the entry of this Order.

IT IS SO ORDERED this 17th day of May 2018.

Dated this 17th day of May, 2018.



Ronald A. White
United States District Judge
Eastern District of Oklahoma